IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 23.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No.2534 of 2001

1.Pedda Anniah

2.Chinnappa Reddy

3.Venkatarama Reddy ... Appellants/Petitioners

Vs.

1.The State of Tamil Nadu
rep. by its Commissioner and
Secretary to Government, Adi
Dravidar and Tribal Welfare
Department, Fort St. George,
Chennai-600 009.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Krishnagiri. .. Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 20.01.2000 made in W.P.No.19279 of 1992.

For Appellants : Mr.N.E.A.Dinesh

For Respondents : Mr.M.Dhandapani,
Addl. Government Pleader

WEB COPY

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal has been filed against the order dated 20.01.2000 made in W.P.No.19279 of 1992, in and by which the learned single Judge upheld the acquisition proceedings and dismissed the writ petition.

2. Heard the learned counsel appearing for the appellants as well as the Additional Government Pleader for the respondents.

https://hcservices.ecourts.gov.in/hcservices/

3. The only point urged before the learned single Judge as well as before us is whether the paper publication can precede the Gazette notification. In the case on hand, the notification under Section 4(1) of the Tamil Nadu Land Acquisition Act (hereinafter referred to as "the Act") was published in the Tamil Nadu Gazette dated 26.06.1991. However, the same was published in the newspaper on 19.06.1991 and 20.06.1991. It was contended that since the publication in the paper has to come after the publication in the Tamil Nadu Government Gazette, the acquisition proceeding is vitiated. The learned single Judge, following the judgment of the Supreme Court reported in AIR 1997 SC 503(VENKATASWAMAPPA VS. SPECIAL DEPUTY COMMISSIONER), rejected the stand taken by the petitioner and dismissed the writ petition. It is not in dispute that the Supreme court has held that the publication of notification in local newspaper earlier to the actual publication of the Gazette is merely irregular and it does not vitiate the validity of the notification published in the Gazette. In view of the decision of the Supreme Court, in the absence of any contra decision, we have no other option except to confirm the order of the learned single Judge. Accordingly, the writ appeal fails and the same is dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Commissioner and
Secretary to Government,
State of Tamil Nadu
Adi Dravidar and Tribal Welfare
Department, Fort St. George,
Chennai-600 009.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Krishnagiri.

1 cc to M/s.V.Nicholas and N.E.A.Dinesh, Advocate, SR.26655
1 cc to Government Pleader, SR.26730

avm (co)

dv/3.7.06

W.A.No2534 of 2001

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/